

### **REMARKS**

Claims 1-4 and 6-26 are pending in the present application. Claims 1, 3, 6, 8, 11, 20, 21, and 23-25 stand rejected under 35 USC §102. Claims 2, 4, 7, 9-10, 12-19, 22, and 26 stand rejected under 35 USC §103. Claim 5 has been previously cancelled. Applicants have currently amended claims 1, 12 and 20 to more particularly point out applicants' invention.

### **35 USC §102**

The Examiner restates but otherwise ignores the limitation "the top portion and the base portion being movable with respect to each other to gently grip and hold the electrode array" This limitation is clearly not found in Shippert. Shippert is a syringe or plunger. The present invention is a form of tweezer. The top and bottom of the shippert syringe is not movable to gently grasp anything! Nevertheless applicants have added the further limitation to the independent claims that the end opposite the front remains open to accommodate the electrical supply cable for the array. An electrode array cannot be implanted with a syringe and the plunger does not allow for a cable.

### **Conclusion**

In view of the above, reconsideration and allowance of all claims are respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, and the Examiner believes that a teleconference may be helpful, the Examiner is invited to call the undersigned attorney at (818) 833-5055 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

Respectfully submitted,

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